REMARKS/ARGUMENTS

1. RESTRICTION REQUIREMENT

As required by the Office Action, Applicant hereby affirms the election of Group I, claims 1-11 and 16-31 made by Michael Blankstein on August 2, 2006. Claims 12-15 are cancelled herein without prejudice or disclaimer.

2. CLAIM REJECTION – 35 U.S.C. § 112, 2ND PARAGRAPH

The Examiner rejected claims 5, 11 and 20 under 35 U.S.C. § 112, 2nd paragraph, for the use of the term "optimum," which the Examiner alleges to be a relative term that renders the claims indefinite. The Examiner alleges that the specification does not provide a standard for ascertaining the requisite degree and that one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Applicants traverse this aspect of the rejection and respectfully submit that claims 5, 11 and 20 particularly point out and distinctly claim the subject matter therein, as discussed above and as disclosed in Applicant's disclosure. Definiteness of claim language must be analyzed in light of the content of the application disclosure, the teachings of the prior art, and the claim interpretation that would be given by one of ordinary skill in the art at the time the invention was made. *See, e.g., In re Moore*, 439 F.2d 1232, 1235; 169 USPQ 236, 238 (CCPA 1971). The essential inquiry is whether the claims set out and circumscribe a particular subject matter with a *reasonable degree* of clarity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of: (A) The content of the particular application disclosure; (B) The teachings of the prior art; and (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

The specification states, for example, that "[t]he parameter values or parameter value combinations provided are limited to those which have been determined by a manufacturer of the gaming machine to provide optimum game play based on market research and player feedback." (page 10, par. [0019]). In this regard, the specification states, on page 4 (par. [0005]), that if available parameter values were to be improperly selected by an operator, the resulting parameter value combinations may give rise to a poor game play experience for the player and lower

revenues for the operator. For example, in a multiple denomination game, an operator combining one parameter value combination (e.g., a 3 maximum pay line value, a $0.01 game denomination, and a 94% payback percentage) from a possible 27 parameter value combination may provide a game play experience that is not optimal from a player's perspective. Applicant submits that the term "optimal," as disclosed and as used in the claim, would set out and circumscribe the claimed subject matter with a *reasonable degree* of clarity. Accordingly, reconsideration and withdrawal of this aspect of the 35 U.S.C. § 112, 2nd paragraph rejection is requested.

The Examiner rejected claims 6, 9, 12, 21, 22, 27 and 31 under 35 U.S.C. § 112, 2nd paragraph for the use of the term "substantially," which the Examiner alleges to be a relative term that renders the claims indefinite. The Examiner alleges that the specification does not provide a standard for ascertaining the requisite degree and that one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Applicant respectfully requests withdrawal of this aspect of the 35 U.S.C. § 112, second paragraph rejection in view of the amendments to claims 6, 9, 12 and 21, herein, such amendments being submitted to expedite prosecution.

As to claims 22 and 27, the claimed subject matter respectively recites an act of "displaying a first plurality of different math models for a single game theme of the gaming machine, the first plurality of different math models having substantially the same payback percentage values" and a controller programmed "to display a first plurality of different math models for a single game theme of the gaming machine, the first plurality of different math models having substantially the same payback percentage values." The term "substantially" is often used in conjunction with another term to describe a particular characteristic of the claimed invention. Although it is a broad term, it is not necessarily an indefinite term. *See, e.g., In re Mattison*, 509 F.2d 563, 184 USPQ 484 (CCPA 1975)(holding limitation including term "substantially" was definite because one of ordinary skill in the art would know what was meant.). The specification recites, for example, that "selecting from among the manufacturer-limited parameter values or parameter value combinations, the operator can configure the gaming machine having a single game theme or a multiple game theme to generate the same payback percentage over time, even when different mathematical models are used." (par. 0020]). The

specification likewise states that "the operator can configure the single-themed gaming machine to generate the same payback percentage over time, even when different mathematical models are used." (par. [0024]). From Applicant's disclosure, Applicant respectfully submits that one having an ordinary level of skill in the pertinent art at the time the invention was made would have no difficulty whatsoever in ascertaining the scope of the invention in view of the disclosure. Accordingly, reconsideration and withdrawal of this aspect of the 35 U.S.C. § 112, 2nd paragraph rejection is requested.

It is further noted that claim 31 does not include the term "substantially," and thus the Examiner's statement of rejection appears to have erroneously included claim 31. Withdrawal of this aspect of the 35 U.S.C. § 112, 2nd paragraph rejection is requested.

3. CLAIM REJECTION – 35 U.S.C. § 102

Claims 1, 4-6, 22, 24-27, and 29-31 have been rejected under 35 U.S.C. 102(e) as being anticipated by Gauselmann (US 6,884,173)("**Gauselmann**"). This rejection is traversed.

Independent claim 1, and claims 4-6 depending therefrom, recites a method for configuring a gaming machine via an interactive configuration screen. The method comprises the acts of displaying a first plurality of maximum pay line values for a single game theme, detecting operator selection of a first maximum pay line value from the first plurality of maximum pay line values, displaying a second plurality of maximum pay line values for the single game theme, detecting operator selection of a second maximum pay line value from the second plurality of maximum pay line values, and configuring game play of the gaming machine based on the first maximum pay line value and based on the second maximum pay line value.

The Examiner states that "[i]t can be seen that for one single game theme such as Game 'X' the operator can configure what denomination that EGM will function as (i.e., Denom I, II, III, etc.)" and that "[t]he operator is able to configure the EGM to operate according to the selected parameters (4:10-16)." From this, the Examiner concludes that "[t]hus, it is disclosed that the EGM is configured based upon the selection of first and second maximum pay line values." This conclusion is factually erroneous.

Gauselmann discloses that, "[i]n step 62, various menus are displayed presenting the possible configuration settings for the EGM." (col. 4, line 10-11). "One menu offering the

operator a selection of possible configurations may be that shown in FIG. 5, where the possible games are displayed in a matrix" and "[t]he operator touches the desired game to set that particular parameter (step 63)." (col. 4, lines 18-23). "A next menu then appears offering the operator other possible configurations, such as shown in FIG. 6." (col. 4, lines 24-25). "The operator then touches the areas corresponding to the desired parameters to set these parameters." (col. 4, lines 25-26). **Gauselmann** discloses that "[o]nce a parameter is selected, it is highlighted on the screen to identify its selection" and that, "[i]n step 64, when the operator has finished configuring the EGM, the operator controls the EGM (by, for example, a touch screen button) to upload the settings to the configuration server 60 (FIG. 3) along with the unique ID of the EGM" to store the configuration of the EGM in the configuration server 60 (col. 4, lines 37-51).

For a prior art reference to anticipate in terms of 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference. *Diversitech Corp. v. Century Steps, Inc.* 7 USPQ2d 1315, 1317 (Fed. Cir. 1988). "All words in a claim must be considered in judging the patentability of that claim against the prior art". *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970); *see also In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995)(*stating* "[w]hen evaluating the scope of a claim, every limitation in the claim must be considered"); *In re Lowry*, 32 USPQ2d 1031, 1034 (Fed. Cir. 1994); MPEP §§706.02(j); 2142; 2143; 2143.03.

Gauselmann fails, to teach or suggest, for example, an act of "configuring game play of the gaming machine based on the first maximum pay line value and based on the second maximum pay line value." **Gauselmann** teaches and suggests only the selection of a single pay line value from a displayed plurality of options (*e.g.*, 20 lines, 9 lines, 5 lines, "X" lines), such as is shown in FIG. 6. **Gauselmann** does not teach "displaying a first plurality of maximum pay line values for a single game theme" and "detecting operator selection of a first maximum pay line value from the first plurality of maximum pay line values" together with "displaying a second plurality of maximum pay line values for the single game theme" and "detecting operator selection of a second maximum pay line value from the second plurality of maximum pay line values." Instead, the operator of **Gauselmann** is free to select a choice from the displayed plurality of options and such choice is highlighted. The operator is free to change his or her choice and select a different option, which would then be highlighted instead of the previous option, which is no longer highlighted. Once the operator is satisfied with the selected

options (one option selection from each of the columns shown in FIG. 6), the Examiner may, in step 64, upload the settings to the configuration server 60.

Still further, as to claim 4, the Examiner "takes the position that it is well known in the art that a max bet button also corresponds to the player wagering on the maximum number of paylines possible" and concludes therefrom that **Gauselmann** "discloses the use of mechanical buttons that correspond to the configured first or second maximum payline value during game play utilizing the configured first or second denomination values" (see page 5 of Office Action). As noted above, **Gauselmann** is utterly devoid of any teaching (or suggestion) of "causing a player selectable mechanical button of the gaming machine to correspond to the first maximum pay line value during game play utilizing the first denomination value" and "causing the player selectable mechanical button to correspond to the second maximum pay line value during game play utilizing the second denomination value." Instead, **Gauselmann** teaches that the EGM may be configured with different configurations, not plural configurations with a single mechanical button being configured to correspond to different outputs based upon the denomination value.

Accordingly, the Examiner has not satisfied the factual predicate required to establish a case of anticipation of claims 1 and 4-6 under 35 U.S.C. § 102 and this rejection is accordingly traversed for at least the above reasons.

As to claim 22, presently amended to incorporate the subject matter of claim 25, and claims 24 and 26 depending therefrom, **Gauselmann** fails to teach (or suggest) a method for configuring a gaming machine via an interactive configuration screen, comprising the acts of displaying a first plurality of different math models for a single game theme of the gaming machine, the first plurality of different math models having substantially the same payback percentage values, receiving a first selection from an operator of a first math model from the first plurality of different math models, displaying a second plurality of different math models for the single game theme, the second plurality of different math models having substantially the same payback percentage values, the second plurality of different math models including respective different maximum pay line values, receiving a second selection from the operator of a second math model from the second plurality of different math models, and configuring game play of the gaming machine based on the first selection and on the second selection.

Likewise, as to claims 27, 29 and 31, **Gauselmann** fails to disclose a controller being programmed to display a first plurality of different math models for a single game theme of the gaming machine, the first plurality of different math models having substantially the same payback percentage values, receive a first selection from an operator of a first math model from the first plurality of different math models, display a second plurality of different math models for the single game theme, the second plurality of different math models having substantially the same payback percentage values, the second plurality of different math models including respective different maximum pay line values, receive a second selection from the operator of a second math model from the second plurality of different math models, and configure game play of the gaming machine based on the first selection and on the second selection.

For the reasons noted above, **Gauselmann** does not teach, *inter alia*, "receiving a first selection from an operator of a first math model from the first plurality of different math models," "receiving a second selection from the operator of a second math model from the second plurality of different math models," and "configuring game play of the gaming machine based on the first selection and on the second selection." Instead, **Gauselmann** teaches only selection of a single set of parameters, such as the selection of a single pay line value from a displayed plurality of options (*e.g.*, 20 lines, 9 lines, 5 lines, "X" lines), such as is shown in FIG. 6 (see, also col. 4, lines 10-51). **Gauselmann** further fails to disclose "displaying a first plurality of different math models for a single game theme of the gaming machine, the first plurality of different math models having substantially the same payback percentage values" or "displaying a second plurality of different math models for the single game theme, the second plurality of different math models having substantially the same payback percentage values."

Still further, as to claims 26 and 31, the Examiner "takes the position that it is well known in the art that a max bet button also corresponds to the player wagering on the maximum number of paylines possible" and concludes therefrom that **Gauselmann** "discloses the use of mechanical buttons that correspond to the configured first or second maximum payline value during game play utilizing the configured first or second denomination values" (see page 5 of Office Action). As noted above, **Gauselmann** is utterly devoid of any teaching (or suggestion) of "causing a player selectable mechanical button of the gaming machine to correspond to a first maximum pay line value associated with the first math model during game play utilizing the first

math model" and "causing the player selectable mechanical button to correspond to a second maximum pay line value associated with the second math model during game play utilizing the second math model" (claim 26). **Gauselmann** is further devoid of any teaching (or suggestion) of a controller being programmed to "cause a player selectable mechanical button of the gaming machine to correspond to a first maximum pay line value associated with the first math model during game play utilizing the first math model" and "cause the player selectable mechanical button to correspond to a second maximum pay line value associated with the second math model during game play utilizing the second math model." Instead, **Gauselmann** teaches that the EGM may be configured with different configurations, not plural configurations wherein the player selectable mechanical button is configured to correspond to different maximum pay line values corresponding to game play utilizing different math models.

Accordingly, the Examiner has not satisfied the factual predicate required to establish a case of anticipation of claims 22, 24, 26, 28, 29 or 31 under 35 U.S.C. § 102 and this rejection is accordingly traversed for at least the above reasons.

It is further noted that the Examiner's statement of rejection is replete with conjecture and supposition (e.g,. "different payline options which one *can* position . . . into as many different groups as one *can imagine*" (page 5), "the payout percentages *can be* substantially the same" (page 6)). All instances of such conjecture are hereby traversed. To establish inherency of an alleged characteristic, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the references, and that it would be so recognized by persons of ordinary skill". *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999). Inherency is not established by probabilities or possibilities. The evidence produced must make clear that the missing descriptive matter is necessarily present in the thing described in the reference. Moreover, the Examiner must point to "page and line" of a reference wherein each feature of a claimed invention is asserted to reside. *In re Rijckaert*,9 F.3d 1531 (Fed. Cir. 1993); *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452 (Fed. Cir. 1984).

4. CLAIM REJECTIONS – 35 U.S.C. § 103 REJECTION OVER GAUSELMANN

Claims 2, 3, 7-11, and 16-21 have been rejected under 35 U.S.C. 103(a) as being unpatentable over **Gauselmann**. This rejection is traversed.

The Examiner acknowledges that **Gauselmann** does not disclose displaying the first plurality of maximum pay line values in response to operator selection of a first denomination value from a plurality of denomination values displayed on the interactive configuration screen (e.g., claim 2) or displaying the second plurality of maximum pay line values in response to operator selection of a second denomination value from the plurality of denomination values displayed on the interactive configuration screen (e.g., claim 3).

For the reasons stated above, it is submitted that **Gauselmann** fails to teach or suggest a method for configuring a gaming machine via an interactive configuration screen comprising the acts of displaying a first plurality of maximum pay line values for a single game theme, detecting operator selection of a first maximum pay line value from the first plurality of maximum pay line values, displaying a second plurality of maximum pay line values for the single game theme, detecting operator selection of a second maximum pay line value from the second plurality of maximum pay line values, and configuring game play of the gaming machine based on the first maximum pay line value and based on the second maximum pay line value. Instead, as noted above, the cited passages of **Gauselmann** teach and suggest only the selection of a single set of options from a displayed plurality of options, such as is shown in FIG. 6, and that following such selection of a single set of options, the operator is able to upload and store the configuration of the EGM in the configuration server 60 (col. 4, lines 37-51). **Gauselmann** provides absolutely no teaching or suggestion of, for example, the "configuring game play of the gaming machine based on the first maximum pay line value and based on the second maximum pay line value."

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art". *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970); *see also In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995)(*stating* "[w]hen evaluating the scope of a claim, every limitation in the claim must be considered"). In the instant case, **Gauselmann** fails to teach or suggest aspects of the rejected claims including, for example, the "configuring game play of the gaming machine based on the first maximum pay line value and based on the second maximum pay line value." The

Examiner's assertion that "it is disclosed that the EGM is configured based upon the selection of first and second maximum pay line values" (page 4 of Office Action) is merely a conclusory statement unsupported by **Gauselmann**. The Examiner's burden to set forth a *prima facie* case of obviousness has not been discharged, as broad conclusory statements, standing alone, are not "evidence" supportive of a *prima facie* showing. *McElmurry v. Arkansas Power & Light Co.*, 995 F.2d 1576, 1578 (Fed. Cir. 1993).

Claim 7 recites a method for operator selection of manufacturer-limited game configuration values for single-themed game play on a gaming machine, the gaming machine including a video display for displaying an interactive configuration screen. This method includes the acts of detecting operator selection of a first game denomination value from a plurality of game denomination values displayed on the interactive configuration screen, displaying a first plurality of different manufacturer-limited game configuration values in response to detecting operator selection of the first game denomination value, detecting operator selection of a first manufacturer-limited game configuration value from the first plurality, detecting operator selection of a second game denomination value from the plurality of game denomination values, displaying a second plurality of different manufacturer-limited game configuration values in response to detecting operator selection of the second game denomination value, detecting selection of a second manufacturer-limited game configuration value from the second plurality, and configuring game play based on the first manufacturer-limited game configuration value and based on the second manufacturer-limited game configuration value.

The Examiner asserts that **Gauselmann** "discloses the detection of first and second game denomination values (Gauselmann 4:24-39), and the configuring of the EGM based upon the selection of these different denomination values (Gauselmann 4:24-39, 46-51)." (page 8 of Office Action). As noted above, **Gauselmann** fails to support the Examiner's assertions. Instead, the cited passages of **Gauselmann** merely disclose a menu-driven system wherein selections by an operator of each parameter are highlighted (col. 4, lines 10-39). **Gauselmann** discloses that "[o]nce a parameter is selected, it is highlighted on the screen to identify its selection" and that, "[i]n step 64, when the operator has finished configuring the EGM, the operator controls the EGM (by, for example, a touch screen button) to upload the settings to the configuration server 60 (FIG. 3) along with the unique ID of the EGM" to store the configuration

of the EGM in the configuration server 60 (col. 4, lines 37-51). **Gauselmann** does not, as alleged, disclose the detection of first and second game denomination values. **Gauselmann** also fails to teach or suggest "configuring game play based on the first manufacturer-limited game configuration value and based on the second manufacturer-limited game configuration value," as claimed.

Thus, as to independent claim 7 and claims 8-11 dependent thereon, Applicant submits that **Gauselmann** fails to teach or suggest all of the recited limitations therein and is unable to support a *prima facie* case of obviousness under 35 U.S.C. § 103. *See In re Royka, supra.* Applicant further submits that the Examiner's assertion that **Gauselmann** "discloses the detection of first and second game denomination values (Gauselmann 4:24-39)" is itself a conclusory statement unsupported by **Gauselmann** and fails to set forth the factual predicate required to establish a *prima facie* case of obviousness.

Claim 16 recites a gaming machine for single theme game play comprising, *inter alia*, a controller operatively coupled to the video display and the plurality of mechanical buttons, the controller comprising a processor and a memory coupled to the processor, the controller being programmed to display a first plurality of maximum pay line values on the video display, detect operator selection of a first maximum pay line value from the first plurality of maximum pay line values, display a second plurality of maximum pay line values on the video display, detect operator selection of a second maximum pay line value from the second plurality of maximum pay line values, and configure single theme game play of the gaming machine based on the first maximum pay line value and based on the second maximum pay line value.

The Examiner again asserts that **Gauselmann** "discloses 4 different payline options, which one can define or position these payline options into as many different groups as one can imagine" and alleges that "[t]he operator can select these payline values and the EGM detect this selection and thus will configure the EGM according the selected first and second payline values that were selected" (page 10 of Office Action). As noted above, **Gauselmann** fails to support the Examiner's assertions. There is no disclosure in **Gauselmann** teaching or suggesting a controller programmed to, *inter alia*, "configure single theme game play of the gaming machine based on the first maximum pay line value and based on the second maximum pay line value." Instead, **Gauselmann** merely disclose a menu-driven system wherein selections by an operator of

each parameter are highlighted and that, when the operator has finished configuring the EGM, the operator controls the EGM to upload the settings to the configuration server 60 (FIG. 3) along with the unique ID of the EGM to store the configuration of the EGM in the configuration server 60 (col. 4, lines 10-51).

Thus, as to independent claim 16 and claims 17-21 dependent thereon, Applicant submits that **Gauselmann** fails to teach or suggest all of the recited limitations therein and is unable to support a *prima facie* case of obviousness under 35 U.S.C. § 103 for at least the reasons noted above. *See In re Royka, supra.* Applicant further submits that the Examiner's allegations regarding **Gauselmann** are conclusory and fail to set forth the factual predicate required to establish a *prima facie* case of obviousness.

5. CLAIM REJECTIONS – 35 U.S.C. § 103 REJECTION OVER GAUSELMANN IN VIEW OF WALKER

Claims 23 and 28 have been rejected under 35 U.S.C. 103(a) as being unpatentable over **Gauselmann** in view of Walker (US 2003/0119479)("**Walker**"). Reconsideration and withdrawal of this rejection is requested.

The Examiner acknowledges that **Gauselmann** fails to teach or suggest "the displaying of mathematical models that comprise probability tables." To make up for this deficiency, the Examiner asserts that **Walker** "discloses the customizing of a game machine wherein the player is able to customize select parameters of the game and yet the game machine still provides the same payout percentages to the player despite the customization" and "discloses that the game machine will display to the player tables of probabilities of various outcomes." The Examiner concludes and alleges that "[i]t would be obvious . . . to modify Gauselmann in view of Walker to display probability tables to the operator . . . [to] enable the operator to be able to be better informed when configuring the gaming machine" so that "[t]he operator would be able to know probabilities that are associated with a certain customization of the machine."

Withdrawal of this rejection is requested for at least the reason that each of claims 23 and 28 have incorporated by amendment subject matter from claims 24 and 30, respectively, which are not implicated by the present rejection.

Moreover, the combination of **Gauselmann** and **Walker** fails to teach or suggest, as to claim 23, a method for configuring a gaming machine via an interactive configuration screen, the method comprising, *inter alia*, displaying a second plurality of different math models for the single game theme, the second plurality of different math models having substantially the same payback percentage values, the second plurality of different math models including respective different maximum pay line values, receiving a second selection from the operator of a second math model from the second plurality of different math models, and configuring game play of the gaming machine based on the first selection and on the second selection.

The combination of **Gauselmann** and **Walker** also fails to teach or suggest, as to claim 27, a gaming machine comprising a controller being programmed to, *inter alia*, display a second plurality of different math models for the single game theme, the second plurality of different math models having substantially the same payback percentage values and including respective different maximum pay line values, being programmed to receive a second selection from the operator of a second math model from the second plurality of different math models, and being programmed to configure game play of the gaming machine based on the first selection and on the second selection.

Further to the factual deficiencies noted above, which independently constitutes sufficient grounds for reversal of the stated rejection, **Walker** discloses customization of a game play experience by a player (*see* Abstract), not gaming machine set-up by an operator in accord with manufacturer-limited parameter values. Acknowledging this fact, the Examiner alleges that it would have been obvious to modify **Gauselmann** in view of **Walker** to display probability tables to the operator to enable the operator to be able to be better informed when configuring the gaming machine so that the operator would be able to know probabilities that are associated with a certain customization of the machine.

Although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." *See In re Fritch*, 972 F.2d 1260 (Fed. Cir. 1992)(emphasis added). Instead, the Examiner must show reasons why a skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed. *In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998).

This showing must be clear and particular. *See, e.g., In re Dembiczak*, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Broad conclusory statements, standing alone, are not "evidence". *McElmurry v. Arkansas Power & Light Co.*, 995 F.2d 1576, 1578 (Fed. Cir. 1993). Instead, "[t]he factual inquiry whether to combine references must be thorough and searching." *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351-52 (Fed. Cir. 2001). It must be based on objective evidence of record. *In re Sang-Su Lee*, 277 F.3d 1338, 1345-46 (Fed. Cir. 2001).

As noted in the specification, upon deliver and installation of a gaming machine, an operator (*e.g.,* a casino operator) is required to follow regulated set-up procedures prior to enabling gaming machine play. The set-up procedure begins with a "RAM clear" to erase information stored within the non-volatile memory, which is generally executed by an operator technician using a specialized RAM clear compact flash (or similar memory device) and an administrator touch screen display provided on the gaming machine. Upon completion of the RAM clear, the game configuration parameters and associated parameter values defining game play are selected by the operator and the operating system software and gaming software are installed in the gaming machine. As noted in the specification, the operator typically has flexibility in selecting and combining some, but not all of the individual parameter values for gaming machine set-up, and that "the operator does not have the flexibility to provide the player with different gaming experiences (via different probability tables) on a single themed gaming machine having multiple game denominations."

Walker fails to provide any suggestion or motivation for displaying *to an operator* a plurality of different math models comprising displaying a first plurality of respective different probability tables. **Walker's** disclosure regarding probability tables is found in paragraphs [0139] ("[d]ata storage device 104 stores a probability table 126") and [0231] ("FIGS. 11A and 11B are a payout- table 1100 and a probability table 1120 . . . . Probability table 1120 comprises an outcome column 1122, default random number column 1124 and expected hits per cycle column 1126, and two corresponding customization columns comprising random number column 1128 and expected hits per cycle column 1130."). The association of an outcome (e.g., Plum/ Plum/Plum) with an expected hits per cycle by the player has to do entirely with a player's preferences (i.e., what the player subjectively thinks is "lucky") and nothing to do with the set-up of the gaming machine by the operator. Moreover, at the operator set-up stage, **Walker** only

discloses a single default probability table 126, not a plurality of probability tables. Thus, **Walker** is unable to display to an operator setting up the gaming machine "a first plurality of respective different probability tables". In short, **Walker** has no bearing on the set-up of the gaming machine by an operator or considerations relating thereto. Thus, the Examiner's speculation that combination of **Walker** with **Gauselmann** would better inform the operator configuring the gaming machine is unsupported by any evidence of record.

Applicant submits that the combination of **Gauselmann** and **Walker** fails to teach or suggest all of the recited limitations of claims 23 and 28 and is unable to support a *prima facie* case of obviousness under 35 U.S.C. § 103 for at least the reasons noted above.

6. CONCLUSION

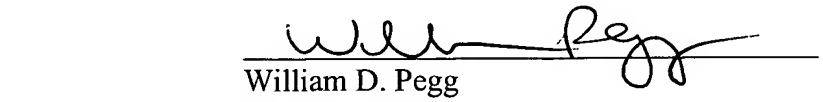
It is the Applicant's belief that all of the claims are now in condition for allowance and action towards that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

It is believed that no fees are due; however, should any additional fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Jenkens & Gilchrist, P.C. Deposit Account No. 10-0447, Order No. 47079-00232USPT.

Respectfully submitted,

Date: November 8, 2006



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